

ASSEMBLY BILL

No. 1984

Introduced by Assembly Member Wolk

February 12, 2004

An act to add Section 2715.5 to the Public Resources Code, relating to surface mining, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1984, as introduced, Wolk. Surface mining.

The Surface Mining and Reclamation Act of 1975, governs surface mining operations and reclamation of mined lands, and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies to persons engaging in surface mining operations. Existing law, until December 31, 2003, provided that a site specific plan in conjunction and consistent with the Cache Creek Resource Management Plan shall be considered to be a functional equivalent of a reclamation plan for purposes of the act, as specified.

This bill would reinstate those provisions until December 31, 2008.

The bill would require the board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented to prepare and forward to the Director of Conservation annually a report containing specified information relating to a mining operation. By requiring a local government agency to take specified actions with respect to the preparation of that report, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2715.5 is added to the Public Resources
2 Code, to read:

3 2715.5. (a) The Cache Creek Resource Management Plan, in
4 conjunction with a site specific plan deemed consistent by the lead
5 agency with the Cache Creek Resource Management Plan, until
6 December 31, 2008, shall be considered to be a functional
7 equivalent of a reclamation plan for the purposes of this chapter.
8 No other reclamation plan shall be required to be reviewed and
9 approved for any excavation project subject to the Cache Creek
10 Resource Management Plan that is conducted in conformance with
11 an approved site specific plan that is consistent with the Cache
12 Creek Resource Management Plan, and the standards specified in
13 that plan governing erosion control, channel stabilization, habitat
14 restoration, flood control, or infrastructure maintenance, if that
15 plan is reviewed and approved by a lead agency pursuant to this
16 chapter.

17 (b) For purposes of this section, the board of supervisors of the
18 county in which the Cache Creek Resource Management Plan is
19 to be implemented shall prepare and file the annual report required
20 to be prepared pursuant to Section 2207.

21 (c) Nothing in this section precludes an enforcement action by
22 the board or the department brought pursuant to this chapter or
23 Section 2207 if the lead agency or the director determines that a
24 surface mining operator, acting under the authority of the Cache
25 Creek Resource Management Plan, is not in compliance with the
26 requirements of this chapter or Section 2207.

27 (d) "Site specific plan," for the purposes of this section, means
28 an individual project plan approved by the lead agency that is
29 consistent with the Cache Creek Resource Management Plan. Site



1 specific plans prepared in conformance with the Cache Creek
2 Resource Management Plan shall, at a minimum, include the
3 information required pursuant to subdivision (c) of Section 2772,
4 shall comply with the requirements of Article 9 (commencing with
5 Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title
6 14 of the California Code of Regulations, and shall be provided
7 along with a financial assurance estimate to the department for
8 review and comment pursuant to Section 2774. Notwithstanding
9 the number of days authorized by paragraph (1) of subdivision (d)
10 of Section 2774, the department shall review the site specific plan
11 and the financial assurance estimate and prepare any written
12 comments within 15 days from the date of receipt of the plan and
13 the estimate.

14 (e) Prior to engaging in an excavation activity in conformance
15 with the Cache Creek Resource Management Plan, a surface
16 mining operation shall be required to obtain financial assurances
17 that meet the requirements of Section 2773.1.

18 (f) This section shall remain in effect only until December 31,
19 2008, and as of that date is repealed, unless a later enacted statute
20 that is enacted before December 31, 2008, deletes or extends that
21 date.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 a local agency or school district has the authority to levy service
25 charges, fees, or assessments sufficient to pay for the program or
26 level of service mandated by this act, within the meaning of
27 Section 17556 of the Government Code.

28 SEC. 3. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety
30 within the meaning of Article IV of the Constitution and shall go
31 into immediate effect. The facts constituting the necessity are:

32 In order to reinstate provisions that required the Cache Creek
33 Resource Management Plan to be considered a functional
34 equivalent of a reclamation plan for purposes of the Surface
35 Mining and Reclamation Act of 1975 as soon as possible, it is
36 necessary that this act take effect immediately.

